

## **REMARKS**

### **Claim Observations–**

Claim 13 is noted as reciting “the additive” in the preamble. The claim has been amended as kindly suggested by the Examiner to recite “The method” since the claim is dependent upon method claim 12.

### **Double Patenting Rejections**

Claims 1- 13 stand rejected under the judicially created doctrine of obviousness-type doubling patenting as being unpatentable over claims 1 – 13 of U.S. Patent No. 6,716,798, over claims 1 – 13 of copending Application No. 09/296,217, and over claims 1-13 of copending application 09/307,544. The rejections are respectfully traversed.

As the Examiner kindly notes, a timely filed terminal disclaimer in compliance with 37 C.F.R. §1.321(c) may be used to overcome an actual or provisional rejection based upon nonstatutory double patenting grounds provided that the conflicting application or patent is shown to be commonly owned with the present application. Three such terminal disclaimers (one for each cited application/patent) are filed herewith in accordance with §37 C.F.R. 1.130(b).

Accordingly, Applicant respectfully requests allowance of claims 1-13.

### **Rejections Under 35 U.S.C. 102(b) and 103**

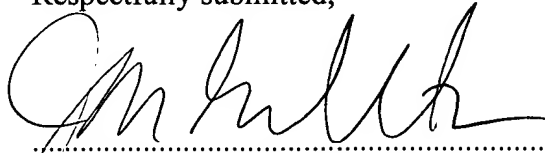
Claims 24-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by US. Patent No. 5,004,553 to House et al as taught by U.S. Patent No. 4,722,397 to Sydansk. Claims 32 and 33 stand rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 5,004,553 to House et. al. in view of U.S. Patent 3,208,524 to Horner et. al. Applicant respectfully disagrees

with these rejections but does not address the rejections herein as the Applicant has cancelled claims 24-33, with the intent of pursuing the subject matter of claims 24-33 in a continuation application.

**Conclusion**

Applicant believes that the remaining claims of the present application are in condition for issuance and respectfully requests the same. If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicants' attorney Mark Gilbreth at 713/667-1200.

Respectfully submitted,



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